

## Office of the Secretary of Defense

## § 352a.3

of those Departments. Instructions to Unified or Specified Combatant Commands shall be communicated through the Chairman of the Joint Chiefs of Staff.

(2) Obtain reports, information, advice, and assistance, consistent with DoD Directive 7750.5,<sup>5</sup> as necessary, in carrying out assigned functions.

(3) Communicate directly with heads of the DoD Components. Communications to the Commanders in Chief of the Unified and Specified Combatant Commands shall be transmitted through the Chairman of the Joint Chiefs of Staff.

(4) Communicate with other Government Agencies, the Executive Office of the President, representatives of the legislative branch, and members of the public, as appropriate, in carrying out assigned functions.

(5) Establish arrangements and appoint representation for DoD participation in non-defense governmental programs for which the ASD(C3I) is assigned DoD cognizance, to include national-level committees.

(6) Waive Federal Information Processing Standards, granted by the Secretary of Commerce Memorandum. The ASD(C3I) may redelegate this authority to the senior officials of the Military Departments designated pursuant to 44 U.S.C. 3506(b). This authority is subject to the conditions specified in the procedures of Secretary of Commerce Memorandum, "Procedures for Waivers for the Federal Information Processing Standards."

(7) Make original security classification determinations at the Top Secret level in accordance with E.O. 12356. This authority may be redelegated, as appropriate, and in writing, pursuant to section 1.2(d)(2) of E.O. 12356.

(b) The ASD(C3I) also is hereby delegated the authorities contained in enclosure 3 of DoD Directive 5105.19,<sup>6</sup> enclosure 1 of DoD Directive 5105.21,<sup>7</sup> enclosure 2 of DoD Directive 5105.40,<sup>8</sup> and enclosure 2 of DoD Directive 5105.42.<sup>9</sup> The ASD(C3I) may modify, terminate, or redelegate these authorities, in

whole or in part, as appropriate, and in writing, except as otherwise provided by law or regulation.

### PART 352a—DEFENSE FINANCE AND ACCOUNTING SERVICE (DFAS)

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APPENDIX TO PART 352a—DELEGATIONS OF AUTHORITY

AUTHORITY: 10 U.S.C. 113.

SOURCE: 55 FR 50179, Dec. 5, 1990, unless otherwise noted.

#### § 352a.1 Purpose.

Pursuant to the authority vested in the Secretary of Defense under provisions of title 10, United States Code, this part establishes the Defense Finance and Accounting Service (DFAS) as an Agency of the Department of Defense with responsibilities, functions, authorities, and relationships.

#### § 352a.2 Applicability.

This part applies to the Office of the Secretary of Defense (OSD); the Military Departments; the Chairman, Joint Chiefs of Staff and Joint Staff; the Unified and Specified Commands; the Inspector General of the Department of Defense (IG, DoD); the Defense Agencies; and the DoD Field Activities (hereafter referred to collectively as "DoD Components")

#### § 352a.3 Organization and management.

(a) The DFAS is established as an Agency of the Department of Defense under the direction, authority, and control of the Comptroller of the Department of Defense (C, DoD).

(b) The DFAS shall consist of a Director, selected by the Secretary of Defense, and such subordinate organizational elements as are established by the Director within resources authorized by the Secretary of Defense.

(c) Military personnel shall be assigned to the DFAS in accordance with

<sup>5</sup>See footnote 1 to § 350.1.

<sup>6</sup>See footnote 1 to § 350.1.

<sup>7</sup>See footnote 1 to § 350.1.

<sup>8</sup>See footnote 1 to § 350.1.

<sup>9</sup>See footnote 1 to § 350.1.

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approved authorizations and procedures for assignment to joint duty.

##### § 352a.4 Responsibilities and functions.

(a) The Director, Defense Finance and Accounting Service (DFAS), is the principal DoD executive for finance and accounting requirements, systems, and functions identified in DoD Directive 5118.3,<sup>1</sup> and shall:

(1) Organize, direct, and manage the DFAS and all assigned resources.

(2) Direct finance and accounting requirements, systems, and functions for all appropriated, nonappropriated, working capital, revolving, and trust fund activities, including security assistance.

(3) Establish and enforce requirements, principles, standards, systems, procedures, and practices necessary to comply with finance and accounting statutory and regulatory requirements applicable to the Department of Defense.

(4) Provide finance and accounting services for DoD Components and other Federal activities, as designated by the C, DoD.

(5) Direct the consolidation, standardization, and integration of finance and accounting requirements, functions, procedures, operations, and systems within the Department of Defense and ensure their proper relationship with other DoD functional areas (e.g., budget, personnel, logistics, acquisition, civil engineering, etc.).

(6) Execute statutory and regulatory financial reporting requirements and render financial statements.

(7) Serve as the proponent for civilian professional development in finance and accounting disciplines, and act as approval authority for competency standards and training requirements for appropriate military positions within the DFAS.

(8) Provide advice and recommendations to the C, DoD, on finance and accounting matters.

(9) Approve the establishment or maintenance of all finance and accounting activities independent of the DFAS.

(10) Develop, issue, and maintain DoD 7220.9-M,<sup>2</sup> in accordance with DoD 5025.1-M,<sup>3</sup> consistent with governing statutes, regulations, and policies.

(11) Perform other functions as the Secretary of Defense, Deputy Secretary of Defense, or the C, DoD, may prescribe.

(b) The Comptroller of the Department of Defense (C, DoD) shall provide guidance and direction to the Director, DFAS, on policies and procedures related to the development and operation of DFAS programs and systems.

(c) The Heads of DoD Components shall:

(1) Comply with the requirements, principles, standards, procedures, and practices issued pursuant to § 352a.4(a).

(2) Obtain finance and accounting services from the DFAS.

(3) Provide facilities, personnel, and other support and assistance required to accomplish DFAS objectives, consistent with this Directive and the responsibilities and functions in § 352a.4(a) and the authorities in § 352a.6.

(d) Operational commanders shall continue to be responsible for the control, location, and safety of deployed accounting and finance personnel and resources.

[55 FR 50179, Dec. 5, 1990, as amended at 63 FR 33248, June 18, 1998]

##### § 352a.5 Relationships.

(a) In the performance of assigned responsibilities and functions, the Director, DFAS, shall:

(1) Maintain liaison with DoD Components, other Government Agencies, foreign governments, and private sector organizations for the exchange of information concerning assigned programs, activities, and responsibilities.

(2) Use established facilities and services of the Department of Defense and other Federal Agencies, whenever practicable, to avoid duplication and to achieve modernization, efficiency, economy, and user satisfaction.

(b) The heads of DoD Components shall coordinate with the Director,

<sup>1</sup>Copies may be obtained, at cost, from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

<sup>2</sup>See footnote 1 to § 352a.4(a).

<sup>3</sup>See footnote 1 to § 352a.4(a).

DFAS, on all matters related to the responsibilities and functions listed in § 352a.4(a).

#### § 352a.6 Authorities.

The Director, DFAS, is specifically delegated authority to:

- (a) Represent the C, DoD, on finance and accounting matters.
- (b) Have free and direct access to, and communicate with, DoD Components and other Executive Departments and Agencies concerning finance and accounting activities, as necessary.
- (c) Enter into agreements with DoD Components and other Government or Non-Government entities for the effective performance of the DFAS mission and programs.
- (d) Establish DFAS facilities if needed facilities or services of other DoD Components are not available. Establishment of new facilities and services will be accomplished during normal program and budget processes.
- (e) Obtain reports, information, advice, and assistance from DoD Components, consistent with the policies and criteria of DoD Directive 7750.5.<sup>4</sup>

#### APPENDIX TO PART 352A—DELEGATIONS OF AUTHORITY

Pursuant to the authority vested in the Secretary of Defense, and subject to the direction, authority, and control of the Secretary of Defense, and in accordance with DoD policies, Directives, and Instructions, the Director, Defense Finance and Accounting Service (DFAS), or in the absence of the Director, the person acting for the Director, is hereby delegated authority as required in the administration and operation of the DFAS to:

1. Establish advisory committees and employ part-time advisors, as approved by the Secretary of Defense, in support of assigned DFAS functions pursuant to 10 U.S.C. 173; Pub. L. 92-463, "Federal Advisory Committee Act"; and DoD Directive 5105.4<sup>1</sup>, "Department of Defense Federal Advisory Committee Management Program," September 5, 1989.
2. Designate any position in the DFAS as a "sensitive" position, in accordance with 5 U.S.C. 7532; Executive Order 10450, as amend-

ed; and DoD Directive 5200.2<sup>2</sup>, "DoD Personnel Security Program," December 20, 1979, as appropriate.

a. Authorize, in case of an emergency, the appointment to a sensitive position, for a limited period of time, of a person for whom a full field investigation or other appropriate investigation, including the National Agency Check, has not been completed.

b. Authorize the suspension, but not terminate the service, of the employee in the interest of national security.

3. Authorize and approve overtime work for assigned civilian personnel in accordance with 5 U.S.C. chapter 55, subchapter V, and applicable Office of Personnel Management (OPM) regulations.

4. Authorize and approve:

a. Travel for assigned personnel, in accordance with Joint Travel Regulations.

b. Invitational travel to persons serving without compensation whose consultative, advisory, or other services are required for assigned activities and responsibilities pursuant to 5 U.S.C. 5703.

5. Approve the expenditure of funds available for travel by assigned or detailed military personnel for expenses regarding attendance at meetings of technical, scientific, professional, or other similar organizations in such instances when the approval of the Secretary of Defense, or designee, is required by law (37 U.S.C. 412 and 5 U.S.C. 4110 and 4111). This authority cannot be redelegated.

6. Develop, establish, and maintain an active and continuing Records Management Program and DoD Directive 5015.2<sup>3</sup>, "Records Management Program," September 17, 1980; DoD Directive 5400.74<sup>4</sup>, "DoD Freedom of Information Act Program," May 13, 1988; and DoD Directive 5400.11<sup>5</sup>, "Department of Defense Privacy Program," June 9, 1982.

7. Establish and use imprest funds for making small purchases of material and services, other than personal services, when it is determined more advantageous and consistent with the best interests of the Government, in accordance with DoD Directive 7360.10<sup>6</sup>, "Disbursing Policies," January 17, 1989.

8. Authorize the publication of advertisements, notices, or proposals, in newspapers, magazines, or other public periodicals as required for the effective administration and operation of assigned responsibilities, consistent with 44 U.S.C. 3702.

<sup>2</sup>See footnote 1 to paragraph 1. of this appendix.

<sup>3</sup>See footnote 1 to paragraph 1 of this appendix.

<sup>4</sup>See footnote 1 to paragraph 1 of this appendix.

<sup>5</sup>See footnote 1 to paragraph 1 of this appendix.

<sup>6</sup>See footnote 1 to paragraph 1. of this appendix.

<sup>4</sup>See footnote 1 to § 352a.4(a).

<sup>1</sup>Copies may be obtained, at cost, National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

9. Establish and maintain appropriate property accounts, appoint Boards of Survey, approve reports of survey, relieve personal liability, and remove accountability for Agency property contained in the authorized property accounts that has been lost, damaged, stolen, destroyed, or otherwise rendered unserviceable, in accordance with applicable laws and regulations.

10. Promulgate the necessary security regulations for the protection of property placed under the jurisdiction of the Director, pursuant to DoD Directive 5200.8<sup>7</sup>, "Security of Military Installation of Resources," July 29, 1980.

11. Establish and maintain a publications system for the promulgation of common accounting and finance regulations, instructions, and reference documents, and changes thereto, pursuant to the policies and procedures prescribed in DoD 5025.1-M<sup>8</sup>, "Department of Defense Directives System Procedures," April 1981, authorized by DoD Directive 5025.1<sup>9</sup>, December 23, 1988.

12. Exercise the powers vested in the Secretary of Defense by 5 U.S.C. 310, 302(b), and 3101 of the employment, direction, and general administration of assigned employees.

13. Administer oaths of office to those entering the Executive branch of the Federal Government or any other oath required by law in connection with employment therein, in accordance with 5 U.S.C. 2903, and designate in writing, as may be necessary, officers and employees of the DFAS to perform this function.

14. Establish a DFAS Incentive Awards Board, and pay cash awards to, and incur necessary expenses for the honorary recognition of, civilian employees of the Government whose suggestions, inventions, superior accomplishments, or other personal efforts, including special acts or services, benefit or affect the DFAS or its subordinate activities, in accordance with 5 U.S.C. 4503, OPM regulations, and DoD Directive 5120.15<sup>10</sup>, "Authority for Approval of Cash Honorary Awards for DoD Personnel," August 13, 1985.

15. Act as an agent for the collection and payment of employment taxes imposed by Chapter 21 of the Internal Revenue Code of 1954, as amended; and, as such agent, make all determinations and certification required or provided for under the Internal Revenue Code of 1954, as amended (26 U.S.C. 3122), and the Social Security Act (42 U.S.C. 405(p)(1) and (2)), as amended, on assigned employees.

<sup>7</sup>See footnote 1 to paragraph 1 of this appendix.

<sup>8</sup>See footnote 1 to paragraph 1 of this appendix.

<sup>9</sup>See footnote 1 to paragraph 1 of this appendix.

<sup>10</sup>See footnote 1 to paragraph 1 of this appendix.

16. Enter into and administer contracts directly or through a Military Department, a DoD contracting administration service component, or other Government Department or Agency, as appropriate, for supplies, equipment, and services required to accomplish the DFAS mission.

17. Oversee disbursing officials and operations in accordance with the procedures of 31 U.S.C., as follows:

a. Manage the approval and appointment process for disbursing and certifying officials pursuant to 31 U.S.C. 3321 and 3325.

b. Make determinations and recommendations with respect to the granting of relief to disbursing officials pursuant to the authority contained in 31 U.S.C. 3527.

c. Approve requests to hold cash at personal risk for authorized purposes, including imprest funds, and to redelegate such authority as appropriate in the administration and control of DoD funds, consistent with the Treasury Financial Manual (TFM) and under the authority of 31 U.S.C. 3321 and 3342.

d. Approve DoD Component disbursing regulations developed to implement the TFM and to grant waivers when delegated by the Secretary of the Treasury to heads of Executive Departments and Agencies.

The Director, DFAS may, in writing, redelegate these authorities as appropriate, except as otherwise specifically indicated above or as otherwise provided by law or regulation.

## PART 353—ASSISTANT SECRETARY OF DEFENSE (LEGISLATIVE AFFAIRS)

Sec.

353.1 Reissuance and purpose.

353.2 Definition.

353.3 Responsibilities and functions.

353.4 Relationships.

353.5 Authorities.

AUTHORITY: 10 U.S.C. 136.

SOURCE: 47 FR 32111, July 26, 1982, unless otherwise noted.

### § 353.1 Reissuance and purpose.

This part establishes, pursuant to the authority vested in the Secretary of Defense under Title 10, U.S.C., 136, one of the positions of Assistant Secretary of Defense as Assistant Secretary of Defense (Legislative Affairs) (ASD(LA)), with responsibilities, functions, and authorities as prescribed herein.